

GENERAL ORDERS, }
No. 29. }

WAR DEPARTMENT,
ADJUTANT GENERAL'S OFFICE,
Washington, February 4, 1863.

At a General Court Martial, which convened at the Headquarters of the 2d Brigade, 2d Division, 2d Corps, Army of the Potomac, near Falmouth, Virginia, on the 17th day of January, 1863, pursuant to General Orders, No. 13, dated the 17th January, 1863, from the Headquarters 2d Division, 2d Corps, Army of the Potomac, and of which Lieutenant Colonel CURRY, 106th Pennsylvania Volunteers, was President, was arraigned and tried—

1st Lieutenant *Joseph Nichols*, 19th Maine Volunteers.

CHARGE 1st.—“Conduct prejudicial to good order and military discipline.”

Specification—“In this; that he, the said *Joseph Nichols*, 1st Lieutenant Co. C, 19th Maine Volunteers, did tender his resignation while near the enemy, under an allegation or pretext of the inexpediency and unconstitutionality of a Proclamation of the President of the United States; thereby affording an example deeply injurious to the service, and meddling with the war policy of the Government, with which he has nothing to do.”

CHARGE 2d.—“Disloyalty to the Government.”

Specification—“In this; that he, the said *Joseph Nichols*, 1st Lieutenant Co. C, 19th Maine Volunteers, entertains ideas in opposition to the Government, expressing his belief of the inexpediency and unconstitutionality of one of its leading measures, and stating further that he cannot serve conscientiously and zealously under it, the said measure being expressly intended to weaken the enemies of the United States. All this at camp near Falmouth, on or about the 12th of January, 1863.”

To which charges and specifications the accused pleaded as follows:

To the *Specification*, 1st Charge, “Not Guilty.”

To the 1st CHARGE, “Not Guilty.”

To the *Specification*, 2d Charge, “Not Guilty.”

To the 2d CHARGE, “Not Guilty.”

FINDING.

The Court, after mature deliberation upon the evidence adduced, finds the accused as follows:

Of the *Specification*, 1st Charge, "Guilty," except the words "and meddling with the war policy of the Government, with which he has nothing to do."

Of the 1st CHARGE, "Guilty."

Of the *Specification*, 2d Charge, "Guilty," except the words, "the said measure being expressly intended to weaken the enemies of the United States."

Of the 2d CHARGE, "Not Guilty."

SENTENCE.

And the Court does therefore sentence him, the said First Lieutenant *Joseph Nichols*, 19th Maine Volunteers, "*To be dismissed the service of the United States, receiving his pay and allowances.*"

II. This officer tendered his resignation when in front of the enemy, on the ground that he regarded the President's Emancipation Proclamation as inexpedient and unconstitutional, and in consequence could not conscientiously serve under it. He was tried under charges of disloyalty and of conduct prejudicial to good order and military discipline, and was sentenced to be dismissed *with* his pay and allowances. The sentence was disapproved by Major Generals Couch and Sumner as too lenient, and the latter "*earnestly recommends that this officer shall be dishonorably dismissed the service, with the loss of all pay and allowances.*"

By direction of the President, the above recommendation is approved, and will be immediately carried into effect.

BY ORDER OF THE SECRETARY OF WAR:

L. THOMAS,
Adjutant General.

OFFICIAL:

Assistant Adjutant General.